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No. 1694 P. 1

PABST PATENT GROUP 

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TELEFAX

Date: April 1, 2008 **Total pages:** 4 (w/cover page)
To: USPTO Central Fax **Telephone:** **Telefax:** 571-273-8300
From: Michael J. Terapane, Ph.D. **Telephone:** 404-879-2155 **Telefax:** 404-879-2160
Our Docket No. CP 102 **Client/Matter No.** 085337/00009
Your Docket No.

Please call (404) 879-2150 if you did not receive all of the pages, or if they are illegible.

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jane C. Hirsh, Kamal K. Midha, Mark Hirsh, and Whe-Yong Lo

Serial No.: 09/858,016

Art Unit: 1616

Filed: May 15, 2001

Examiner: S.G. Landau

For: *PHARMACUETICAL COMPOSITIONS FOR BOTH INTRAORAL AND ORAL
ADMINISTRATION*

Attached:

Notice of Hearing

Transmittal Form PTO/SB/21

Fee Transmittal Form PTO/SB/17

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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

PATREA L. PABST
PABST PATENT GROUP, LLP
400 COLONY SQUARE
SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA30361

Appeal No: 2007-3576
Appellant: Jane C. Hirsh et al.
Application No: 09/858,016
Hearing Room: B
Hearing Docket: A
Hearing Date: Tuesday, April 15, 2008
Hearing Time: 09:00 AM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address:

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED ☒ HEARING ATTENDANCE WAIVED

Michael D. Torgano
Signature of Attorney/Agent/Appellant

4/1/2008
Date

57,633
Registration No.

Names of other visitors expected to accompany counsel: _____

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
<http://www.uspto.gov/web/offices/dcom/counsel/contact.htm#bpa contacts>

3-20-08 Confirm/Waive Hearing Attendance DDD

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No. 1694 P. 3

Approved for use through 08/30/2010. OMB 0861-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2008		Complete If Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/858,016
		Filing Date	May 15, 2001
		First Named Inventor	Jane C. Hirsh
		Examiner Name	S.G. Landau
		Art Unit	1616
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CP 102

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
210	105
370	185

 Total Claims Extra Claims Fee (\$)
 - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

 Indep. Claims Extra Claims Fee (\$)
 - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

 Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)
 - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY		Registration No.	Telephone
Signature	<i>Michael J. Terapane</i>	57,633 (Attorney/Agent)	404-8779-2155
Name (Print/Type)	Michael J. Terapane, Ph.D.	Date	April 1, 2008

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

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Approved for use through 07/31/2008. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/858,016
Filing Date	May 15, 2001
First Named Inventor	Jane C. Hirsh
Art Unit	1616
Examiner Name	S.G. Landau
Attorney Docket Number	CP 102

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p align="center">Notice of Hearing</p>																
<p align="center">SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</p> <table border="1"> <tr> <td>Firm Name</td> <td colspan="3">Pabst Patent Group LLP</td> </tr> <tr> <td>Signature</td> <td colspan="3"><i>Michael J. Terapane</i></td> </tr> <tr> <td>Printed name</td> <td colspan="3">Michael J. Terapane</td> </tr> <tr> <td>Date</td> <td>April 1, 2008</td> <td>Reg. No.</td> <td>57,633</td> </tr> </table>			Firm Name	Pabst Patent Group LLP			Signature	<i>Michael J. Terapane</i>			Printed name	Michael J. Terapane			Date	April 1, 2008	Reg. No.	57,633
Firm Name	Pabst Patent Group LLP																	
Signature	<i>Michael J. Terapane</i>																	
Printed name	Michael J. Terapane																	
Date	April 1, 2008	Reg. No.	57,633															

CERTIFICATE OF TRANSMISSION/MAILING

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Signature	<i>Claudia Lorenz</i>		
Typed or printed name	Claudia Lorenz	Date	April 1, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CP 102